

REMARKS/ARGUMENTS

The present Response is being filed in reply to the Final Office Action dated November 2, 2006.

By the present amendment, claim 33 is canceled and claim 27 is amended. Claims 27-30 are pending in the application. No new matter has been added. The amendment/cancellation of claims should in no way be construed to be an acquiescence to any of the rejections. The amendment/cancellation of the claims is being made solely to expedite prosecution of the above-identified patent application. Applicants reserve the option to further prosecute the same or similar claims in the present or subsequent patent applications .

Rejection of Claim 33 Pursuant to 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claim 33 under 35 U.S.C. § 112, second paragraph. By the present amendment, claim 33 is cancelled rendering moot the rejection of claim 33.

Rejection of Claims 27-30 and 33 Pursuant to 35 U.S.C. § 103(a)

The Office Action rejected claims 27-30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Sevrain (US Pat Pub 2003/0229348) in view of Brace (US Pat 6,235,033). Applicants respectfully traverse this rejection based on the above amendments and following arguments.

By the present amendment, claim 27 has been amended to recite a bone fixation system comprising a bone fixation plate having a polyaxial bushing having a passage that tapers continuously from a distal end of the bushing to a proximal end of the bushing. Support for this claim amendment can be found in paragraph 47, figures 8-10B, and canceled dependent claim 33 of the application as originally filed. Claims 28-30 depend from claim 27.

The prior art of record, including Sevrain and Brace, fails to teach or suggest a bone fixation system comprising a bone fixation plate having a polyaxial bushing having a passage that tapers continuously from a distal end of the bushing to a proximal end of the bushing, as recited in amended claim 27. As acknowledged in the Office Action, Sevrain fails to disclose

a polyaxial bushing. As best illustrated in Figure 4 of Brace, Brace describes a bushing 14 having inner bore 24 defined by an interior surface 26 having a cylindrical proximal portion, which has a constant, non tapering diameter, and cylindrical distal portion, which has a constant, non tapering diameter, separated by an annular shoulder 40. The inner bore 24 of Brace does not taper continuously from a distal end of the bushing to a proximal end of the bushing.

For at least this reason, applicant requests the withdrawal of the rejection of independent claim 27, and claims 28-30 dependent thereon, under 35 U.S.C. § 103(a).

By the present amendment, claim 33 has been canceled rendering moot the rejection of this claim under 35 U.S.C. § 103(a).

Conclusion

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting the prosecution of the application, the Examiner is invited to call the undersigned at (508) 880-8488.

Respectfully submitted,

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